

**THOREAU REALTY TRUST
275 FOREST RIDGE ROAD
CONCORD, MA 01742**

March 18, 2008

Town of Concord Board of Appeals
141 Keyes Road
Concord, MA 01742

Re: Alexan Proposal and Related Matters

Dear Members of the Board:

I am writing as the Trustee of Thoreau Realty Trust which is an abutter to the Alexan site and on behalf of the Board of Trustees of the Forest Ridge Association of which I am a board member and in which Thoreau Realty holds a 78.43 percent interest. As I am unable to attend your hearings I would request that this letter be made part of the public record on the application of Timothy W. O'Connor, on behalf of the West Concord Development LLC, for a comprehensive Permit under Massachusetts General Law Chapter 40B to construct a 350 unit multi-family residential rental community at 48 and 54 Old Powder Mill Road and 2364 Main Street (collectively referenced herein as "Alexan" and/or the "Alexan Site").

First let me say that I have no objection to Alexan's proposal in general and commend the Town for encouraging the production of quality affordable housing – a goal we all share. I would, however, like to make certain that your Board clearly understands Thoreau Realty's and the Association's position as it relates to certain aspects of the Alexan proposal that will have a direct impact on the property interests of Thoreau Realty Trust and the Forest Ridge Association.

Thoreau Realty and the Association concur with the Town's position that, given the critical mass of the Alexan development combined with the constrained main access to the Alexan site, a safe second means of access for emergency vehicles is imperative. In response, representatives of Alexan have stated that a second means of emergency access to their site will be provided in part either via Forest Ridge Road combined with the CMLP land or via the 25 foot wide easement that connects Forest Ridge Road to Border Road. However both of these proposals would, at a minimum, require approval of the Forest Ridge Association and no such approval has been granted.

As the Town knows Forest Ridge Road is a private way and under the terms of the Forest Ridge Agreement any use of the "Road", which by definition includes Easement F and the 25 foot wide Emergency Access to Border Road (see enclosed plan of record), is subject to approval by the Board of Trustees. Furthermore the Town's deed for Lot 3 Forest Ridge Road, the CMLP land, includes the following restriction:

"A restriction prohibiting the Grantee from granting any easement or other rights through, over or across the Premises which would allow vehicular access onto Forest Ridge Road from premises adjacent to the Premises."

Based on the foregoing the Board of Trustees wants your Board to know that: the 25 foot wide Emergency Access Easement to Border Road is for the benefit of the Forest Ridge Subdivision; this easement cannot be reached from the Alexan site without passing over Town conservation land and cannot be used for emergency access by others without the approval of the Board of Trustees. Furthermore, any such approval would not be appropriate as the fee in this land was set aside for conservation purposes to assure the Border Road residents that any use of the 25 foot wide easement would not expand to land not part of the Forest Ridge Subdivision.

With respect to use of Forest Ridge Road by Alexan, I sent a letter, dated February 6, 2008, to the Board of Selectmen offering the use of Forest Ridge Road by Alexan for emergency, school bus and pedestrian purposes. In that letter I also offered to grant an easement to Alexan across Thoreau Realty Trust's land from the Alexan site to Forest Ridge Road.

I also want to reiterate to your Board that Thoreau Realty and the Association are not opposed to the Alexan proposal and, if your Board chooses to approve their project, we will have no issue with that decision provided that (a) it is not based upon any use of Forest Ridge Road which has not been previously approved by the Board of Trustees and (b) such use does not violate the terms of the conveyance of Lot 3 to the Town. In the alternative, if the Town's approval is based upon any explicit or implied use which would violate the Forest Ridge Agreement and/or the terms of the deed to Lot 3, we would be obligated to defend the rights of the Forest Ridge Association.

Our goal is to work cooperatively with the Town and our neighbors to achieve a reasonable residential use of the Alexan site and Lot 6 Forest Ridge Road in a responsive way that mitigates potential conflicts. Such an effort may be possible if the proponents for both properties were to work cooperatively with the Town to address all issues.

It is our understanding that under Chapter 40B, the Town is not obligated to approve more than 250 units on the Alexan site. It is also our belief that approval of 100 additional discretionary units should not be given unless it is clearly demonstrated that adjacent streets will not be overburdened, area intersections can safely accommodate the added traffic and appropriate provisions have been made for safe reliable emergency, school bus and pedestrian access. In short shouldn't discretionary units be permitted only if the Town can reach a determination that public safety has been sufficiently addressed and there are no other reasonable housing alternatives?

While your Board has the prerogative to approve 350 units, we believe that a better plan can be achieved if the density on the Alexan site is reduced to 250 units in which case Thoreau Realty would be willing to agree to the following as part of our plans to construct 150 one and two bedroom multi-family rental units on Lot 6 Forest Ridge Road:

- Right-of-Way on Lot 5 – Thoreau Realty will grant a fifty (50) foot wide right-of-way on its Lot 5 connecting the Alexan site to Forest Ridge Road (See enclosed Study Plan). The terms of the right-of-way will include that it may be used for all purposes for which roads are used in the Town of Concord including emergency access, school buses, pedestrians and looped utilities provided that no more than fifty (50) of Alexan's proposed dwelling units use such right-of-way for vehicular access and the balance of Alexan's 200 units use Sudbury Road for their exclusive access.
- Use of Forest Ridge Road – The Board of Trustees of the Forest Ridge Association will grant the Alexan property the right to use Forest Ridge Road for no more than fifty (50) of Alexan's proposed dwelling units and for emergency, school bus and pedestrian access provided such use conforms to the Forest Ridge Agreement.

The above represents a balanced plan intended to enable the Town to achieve its long-term housing goals. Benefits include:

1. Sudbury Road and Related Traffic Impacts – The number of units accessing Sudbury Road in Acton from the Alexan site would be reduced by 43 percent (350 to 200 units) which will significantly reduce impacts on Sudbury Road, the Sudbury Road/Route 62 intersection and the Powder Mill Road/Route 117 intersection.
2. Emergency Access – Forest Ridge Road could be utilized as the primary emergency access to all 250 Alexan units reducing the distance emergency vehicles would otherwise have to travel and eliminating the potential conflicts for emergency vehicles at the High Street/Route 62 intersection and at the Sudbury Road/Route 62 intersection.
3. School Buses – All of Alexan's school children could be picked up at the Forest Ridge cul-de-sac which also provides a safe turn around for buses.
4. Pedestrian Access – Forest Ridge Road has a sidewalk its entire length. Main Street (Route 62) in Concord will have a new sidewalk as part of its reconstruction project providing safe pedestrian access to the east and, with the addition of 200 feet of new sidewalk on Knox Trail, safe pedestrian access westerly to the nearby stores/ restaurants in the Powder Mill shopping plaza would be provided.
5. Utilities – Utility services such as water and electric services can be looped.
6. Town Housing Goals – The Town of Concord can achieve its housing goals in a balanced manner with 200 units accessing Forest Ridge Road (50 Alexan units and 150 Lot 6 units) and with 200 Alexan units accessing Sudbury Road. In addition as I indicated in a letter, dated December 5, 2007, to the Board of Selectmen, Thoreau Realty is also willing to make a gift of \$250,000 to the Concord Housing

development Corporation to enhance other Town housing interest upon the sale of Lot 6 for the multi-family use outlined herein.

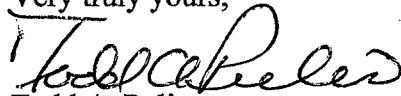
7. Lot 6 School Age Children – AvalonBay constructed 139 one and two bedroom multi-family rentals in Bedford which have had an average of 20 school age children residing there. Therefore it is reasonable to project that 150 one and two bedroom multi-family rentals on Lot 6 Forest Ridge Road will average 22 school age children.
8. Real Estate Revenues – Lot 6 contains 15.08 acres which if developed commercially would accommodate a 45,240 square foot office building or a 90,480 square foot R&D or light manufacturing building. Based on other Forest Ridge Road commercial assessments, if Lot 6 is fully developed commercially its assessed value (land and buildings) would equal \$6,225,000 resulting in \$66,732 in commercial tax revenues.

In Bedford AvalonBay's 139 multi-family units are assessed at \$21,111,100 resulting in an average assessment per unit of \$151,878. If Concord assesses the 150 multi-family units proposed on Lot 6 at the same average assessment per unit, the total assessed value would equal \$22,781,700 resulting in \$244,220 in residential tax revenues.

After adjusting the residential tax revenues by deducting the marginal cost of 22 school age children, the remaining residential tax revenues from Lot 6 should equal or exceed the commercial tax revenues.

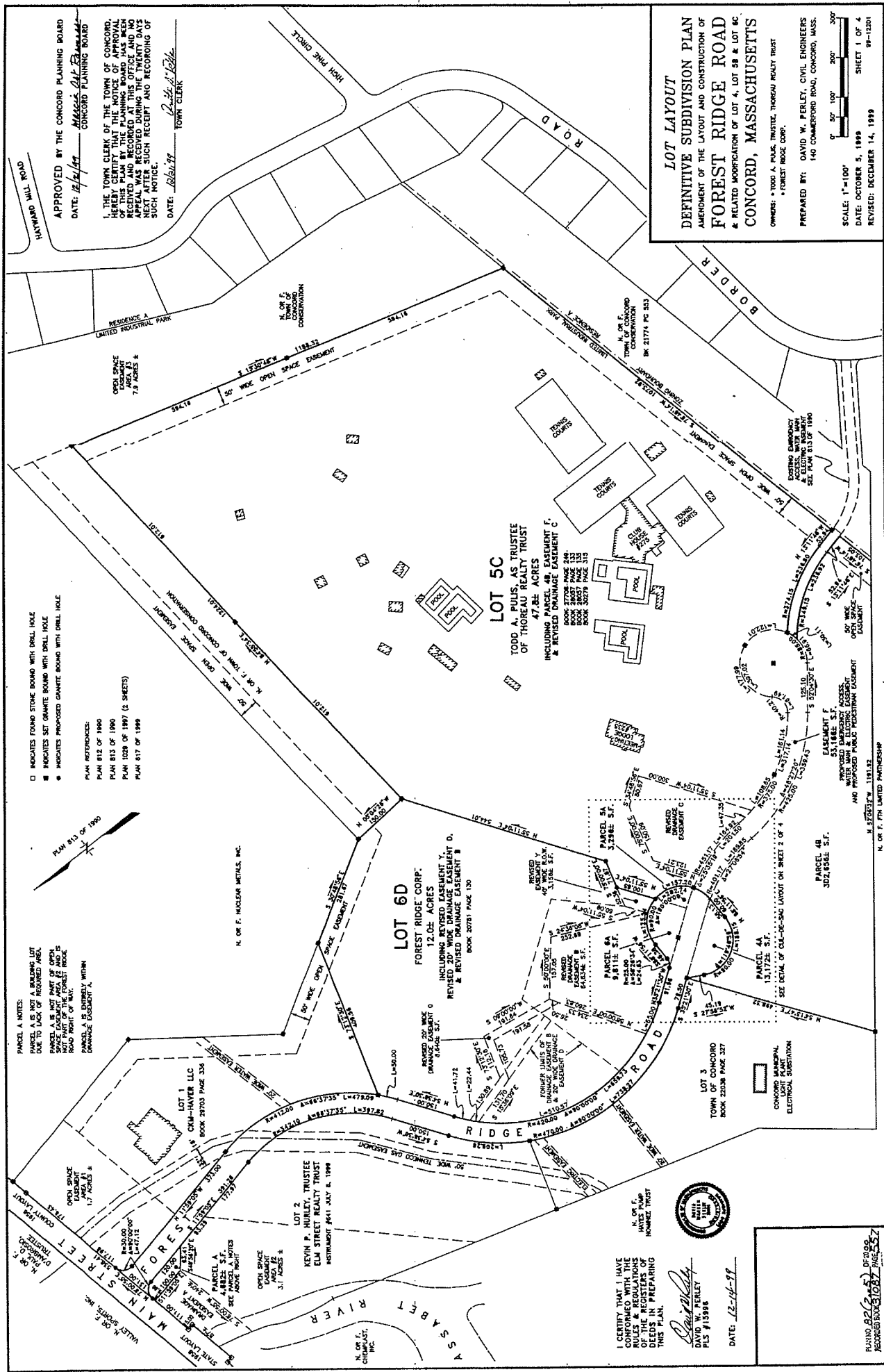
In short a balanced plan could result in significant benefits for the Town of Concord and others and we would welcome the opportunity to work with the Town, Alexan and area residents in this regard.

Very truly yours,



Todd A. Pulis

Cc: Board of Selectmen
Planning Board
Concord Housing Development Corporation
Economic Council
Town Manager
Director of Planning and Land Management
Alexan via Scott Dale
Thomas Falwell
Kevin Hurley



APPROVED BY THE CONCORD PLANNING BOARD
DATE: 12/14/99
MISSISSIPPI
CONCORD PLANNING BOARD

I, THE TOWN CLERK OF THE TOWN OF CONCORD, CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN BY THE PLANNING BOARD RECEIVED AND RECORDED AT THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE TWENTY DAYS SUCH NOTICE WAS REQUIRED TO BE RECORDED.
DATE: 12/14/99
TOWN CLERK

LOT LAYOUT
DEFINITIVE SUBDIVISION PLAN
AMENDMENT OF THE LAYOUT AND CONSTRUCTION OF
FOREST RIDGE ROAD
& RELATED MODIFICATION OF LOT 4, LOT 5B & LOT 6C
CONCORD, MASSACHUSETTS

OWNERS: * TODD A. BUILS, TRUSTEE, THOREAU REALTY TRUST
* FOREST RIDGE CORP.

PREPARED BY: DAVID W. PERLEY, CIVIL ENGINEERS
140 CONCORD ROAD, CONCORD, MASS.

SCALE: 1"=100'
DATE: OCTOBER 5, 1999
REVISED: DECEMBER 14, 1999

SHEET 1 OF 4
99-1201

□ INDICATES FOUND STONE BOUND WITH DRILL HOLE
■ INDICATES SET GRANITE BOUND WITH DRILL HOLE
● INDICATES PROPOSED GRANITE BOUND WITH DRILL HOLE

PLAN REFERENCES:
PLAN 812 OF 1990
PLAN 813 OF 1990
PLAN 1028 OF 1997 (2 SHEETS)
PLAN 817 OF 1999

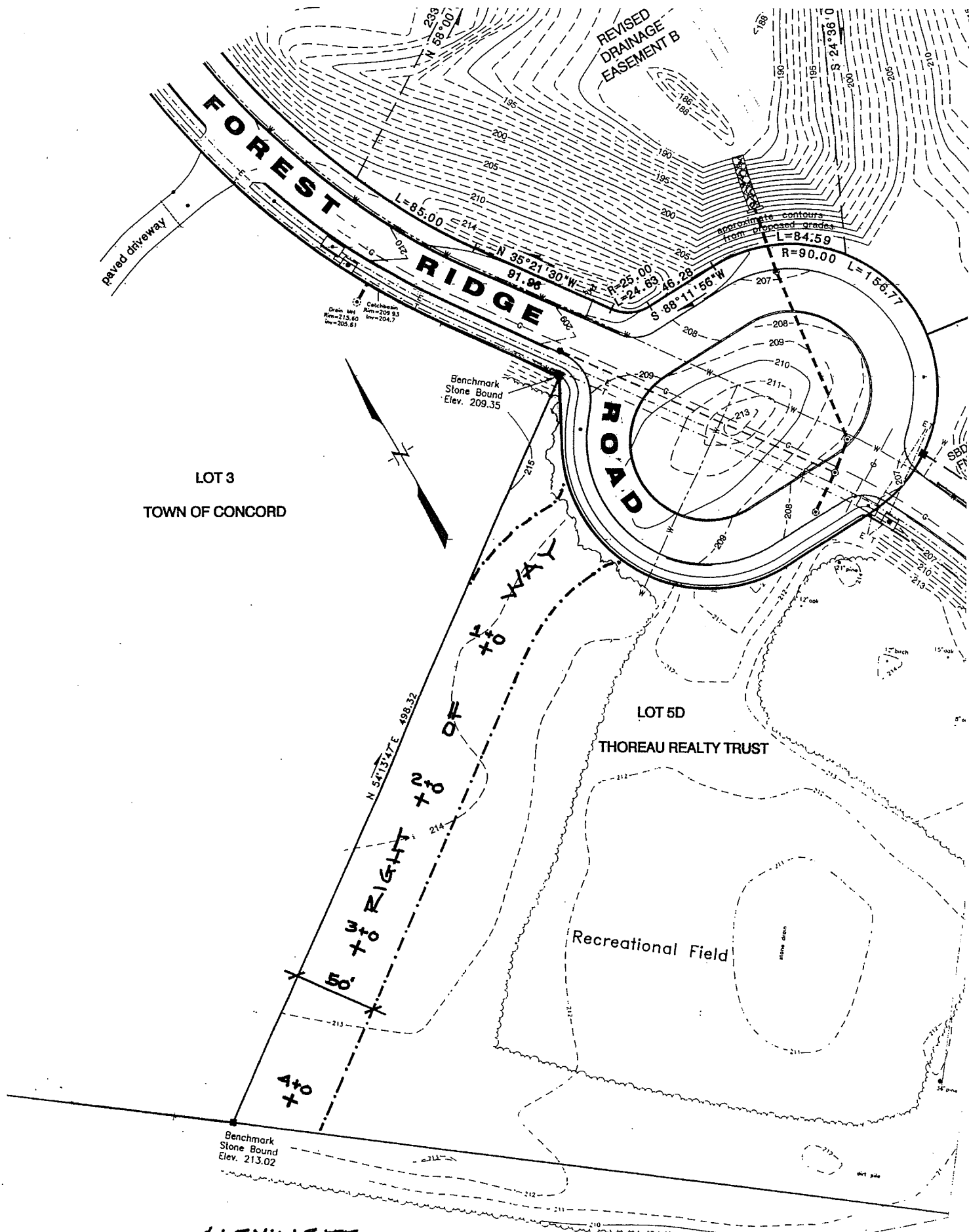
PARCEL A NOTES:
PARCEL A IS NOT A BUILDING LOT
DUE TO LACK OF REQUIRED AREA.
PARCEL A IS NOT PART OF OPEN
SPACE EASEMENT. PARCEL A IS
NOT PART OF THE FOREST RIDGE
ROAD RIGHT OF WAY.
PARCEL A IS ENTIRELY WITHIN
DRAINAGE EASEMENT A.

I CERTIFY THAT I HAVE
CONFORMED WITH THE
REQUIREMENTS OF THE
REGISTERED DEEDS IN PREPARING
THIS PLAN.

DAVID W. PERLEY
PLS #15986
DATE: 12-14-99

PLANS 822-2-5 OF 1999
RECORDED BOOK 3108 PAGE 537

82-2



ALEXAN SITE
FTN LIMITED PARTNERSHIP

STUDY PLAN
RIGHT-OF-WAY EASEMENT
3.17.08
1"=50'